

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

In re §  
ADVANCE TRANSPORTATION § Case No. 21-30906-HCM-11  
SERVICES INCORPORATED, §  
§  
Debtor. §

**NOTICE OF ENTRY OF ORDER GRANTING THIRD  
INTERIM PERMISSION TO USE CASH COLLATERAL**

TO: ALL PARTIES IN INTEREST

TAKE NOTICE, that the United States Bankruptcy Court in the captioned proceedings has entered the enclosed Order Granting Interim Permission to Use Cash Collateral upon the Motion by the Debtor ADVANCE TRANSPORTATION SERVICES INCORPORATED for Third Interim Approval of Cash Collateral Use. If any parties in interest wish to object to the terms of the Interim Order being made permanent, they should refer to the attached Order for the proper procedures and file their objections before the deadline (March 1, 2022) with the United States Bankruptcy Court, and plan to attend the final hearing on March 10, 2022 at 10:00 a.m. MT via WebEx [us-uscourts.webex.com/meet/Mott](http://us-uscourts.webex.com/meet/Mott).

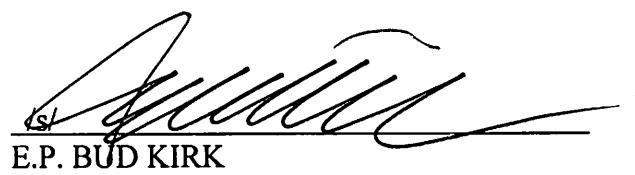
Respectfully submitted this 24 <sup>th</sup> February, 2022.

/s/   
E.P. BUD KIRK  
State Bar No. 11508650  
600 Sunland Park Drive  
Bldg. Four, Suite 400  
El Paso, TX 79912  
(915) 584-3773  
(915) 581-3452 facsimile  
[budkirk@aol.com](mailto:budkirk@aol.com)

Attorney for Debtor-in-Possession

CERTIFICATE OF SERVICE

I do hereby certify that on the 14th day of February, 2022, I did cause a copy of the foregoing Notice of Order Granting Third Interim Permission to Use Cash Collateral to be mailed to U.S. Trustee, P.O. Box 1539, San Antonio, TX 78205-1539; to the Subchapter V Trustee, c/o Brad W. Odell, 1500 Broadway, Suite 700 Lubbock, Texas 79401; to Scot Properties, Ltd., c/o Harrel L. Davis, P.O. Box 1322, El Paso, TX 79947-1322; to Advance Transportation Services, c/o Abraham J. Wardy, 12308 Red Sun Dr., El Paso, TX 79938; to City of El Paso, c/o Don Stecker, 112 E. Pecan Street, Ste. 2200, San Antonio, TX 78205; to S.W.I.T., c/o Corey W. Haugland, 609 Montana Avenue, El Paso, TX 79902; EP Leasing, LLC, c/o James M. Feuille, Scotthulse, PC, P.O. Box 99123, El Paso, TX 7999-9123; and to all parties in interest as shown on the attached list.



E.P. BUD KIRK

4981-AE-021422

American Express  
P.O. Box 650448  
Dallas, TX 75265-0048

Internal Revenue Service  
Centralized Insolvency Office  
P.O. Box 7346  
Philadelphia, PA 19101-7346

BFS Capital  
1970 Oakcrest Ave, Suite 217  
Saint Paul, MN 55113

IRS Insolvency Office  
300 E. 8th Street, Mail Stop 5026AUS  
Austin, TX 78701

Celtic Bank  
268 South State Street  
Salt Lake City, UT 84111

Kabbage  
505 Lakeland Plaza Ste #347  
Cumming, GA 30040

CIT  
10201 Centuarion Parkway North  
Suite 100  
Jacksonville, FL 32256

LoanBuilder  
3505 Silverside Rd. Suite 200  
Wilmington, DE 19810

E Advance Services  
122 East 42nd Street, Ste. 2112  
New York, NY 10168

On Deck Capital  
1400 Broadway 25th Floor  
New York, NY 10018-5225

EP Leasing, LLC  
P.O. Box 290775  
El Paso, TX 79935

Penske  
P.O. Box 563  
Reading, PA 19603

Franco Factoring  
6929 Imperial Ridge Dr.  
El Paso, TX 79912-7616

Penske Truck Leasing  
11451 Chito Samaniego Dr.  
El Paso, TX 79936

**People's Premium Finance**  
600 SW Jefferson, Suite 204  
Lee Summit, MO 64063

**Prime Advance**  
161 Kings Highway  
Brooklyn, NY 11223

**Regal Capital**  
161 Kings Highway  
Brooklyn, NY 11223

**S.W.I.T.**  
2959 Irving, Blvd.  
Dallas, TX 75247

**United States Attorney**  
Civil Process Clerk-  
Internal Revenue Service  
601 N.W. Loop 410, Suite 600  
San Antonio, TX 78216

**United States Attorney General**  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

**Vista Star Scot Properties**  
P.O. Box 522541  
El Paso, TX 79952

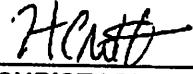
**World Global Capital**  
116 Nassau Street, Suite 804  
New York, NY 10038

**Yes Capital**  
161 Kings Highway  
Brooklyn, NY 11223



**The relief described hereinbelow is SO ORDERED.**

**Signed February 11, 2022.**

  
H. CHRISTOPHER MOTTO  
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

In re §  
ADVANCE TRANSPORTATION §  
SERVICES INCORPORATED, §  
Debtor. §

Case No. 21-30906-HCM-11

**THIRD ORDER GRANTING INTERIM PERMISSION  
TO USE CASH COLLATERAL**

On February 10, 2022 the Court conducted via WebEx a third interim hearing on the Emergency Motion of the Debtor-in-Possession ADVANCE TRANSPORTATION SERVICES INCORPORATED (“ATSI”) to Use Cash Collateral (“the Motion”). The Court, having made findings and seeing good cause for the Motion, hereby GRANTS the Motion again, on a third interim basis. Counsel for Debtor shall be responsible for notice to all parties in interest, that the use of cash collateral is again APPROVED on an interim basis, and shall be approved on a final, going-forward basis in these Subchapter V of Chapter 11 proceedings, unless an objection to such use is filed after notice of this Interim Order is given by counsel for Debtors. Any parties in interest who wish to object to the terms stated below for cash collateral use, should file their objections with the Clerk of this Court by March 1, 2022, and then appear to be heard thereon via WebEx us-courts.webex.com/meet/Mott in this Court in on March 10, 2022 at 10:00 am

(MT) for the final cash collateral hearing. The identification, value, and extent of the Debtor's cash collateral, on an interim basis, and the interim terms of adequate protection as stated herein below, are without prejudice to any party-in-interest's right to contest the same in a later proceeding, for confirmation purposes or otherwise.

It is ORDERED on an interim basis that ADVANCE TRANSPORTATION SERVICES INCORPORATED may use the cash collateral of this estate under these conditions:

- a) ATSI is to maintain an average accounts receivable balance on hand at least equal to the total of the currently-outstanding liens thereon, which ATSI estimates is \$25,000.00.
- b) Creditors with an interest in cash collateral shall have an interim replacement lien on post-petition accounts receivable, in the same priority and extent as existed on petition date.
- c) ATSI will make interim adequate protection payments to E ADVANCE, LLC ("E ADVANCE") sufficient to amortize its claim secured by accounts receivable, in level payments calculated for an amortization over 24 months, together with interest at a rate of 4% per annum. Payments of \$1,085.62 shall be due to E ADVANCE on the fifth days of January 2022 and of each month thereafter, until the debt is satisfied or this order is supplanted by a subsequent order of this Court. If any such payment is not made on time, E ADVANCE at its option may send a fifteen-day notice of default in writing to Debtor's counsel, and if the late payment is not cured on time, permission to use E ADVANCE's cash collateral shall cease.
- d) ATSI will regularly file Monthly Operating Reports in this case so that creditors can monitor the Debtor's incoming revenue and outgoing expenses.

- e) ATSI is to use cash collateral only in the ordinary course of business, insofar as is necessary to avoid immediate and irreparable harm to the estate during the interim period of this order, and thereafter within the limits specified in a proposed final budget which the Debtor is to append to its proposed final cash collateral order. The budget is to be subject to a variation of 15% upon each budget category, or, if any budget category or categories exceed(s) a variation of 15%, then the permitted variation shall be up to 15% over the aggregate budget expense total.
- f) ATSI is to file under a Notice cover sheet a proposed amended final form of cash collateral Order with the Court on or before February 18, 2022 with a proposed amended monthly operating budget attached with service to all parties in interest. Debtor's counsel shall also promptly serve copies of this Third Interim Cash Collateral Orders on all parties in interest, once this order is signed by the Court.

# # #

Submitted by:

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